

Practitioner's Docket No. U 013209-3



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of \_\_\_\_\_  
Inventor(s)

for \_\_\_\_\_  
Title of invention

OR

In re application of: Olav LANES, et al.

Serial No.: 09/758,017

Group No.: - -

Filed: January 10, 2001

Examiner: - -

For: COD URACIL-DNA GLYCOSYLASE, GENE CODING THEREFORE, RECOMBINANT DNA CONTAINING-SAID GENE OR OPERATIVE PARTS THEREOF, A METHOD FOR PREPARING SAID PROTEIN AND THE USE OF SAID PROTEIN OR SAID OPERATIVE PARTS THEREOF IN MONITORING OR CONTROLLING PCR

Assistant Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. 1.97(b).

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

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Express Mail certification is optional.)

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37 C.F.R. 1.8(a)

37 C.F.R. 1.10\*

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☐ transmitted by facsimile to the Patent and Trademark Office.

Date: March 14, 2001

Signature

Janet I. Cord

(type or print name of person certifying)

\*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.



**NOTE:** The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).

### IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

**NOTE:** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).



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SIGNATURE OF PRACTITIONER

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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PARS THEREOF, A METHOD FOR PREPARING SAID PROTEIN AND  
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IN MONITORING OR CONTROLLING PCR

Attorney Docket: U 013209-3

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

We draw the attention of the Examiner to the attached English-language version of an International-type Search Report from a foreign office in respect of counterpart Norwegian Application No. 2000 5428 that indicates the degree of relevance found by the foreign office. The Search Report makes consideration of any non-English art required. MPEP 609.

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**CERTIFICATE OF MAILING (37 CFR 1.8a)**

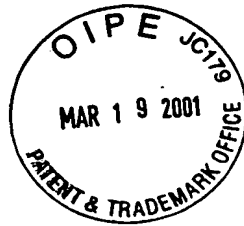
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Janet I. Cord

(Type or print name of person mailing paper)

15  
Date: March 14, 2001

  
(Signature of person mailing paper)



Form PTO-1449 is also attached with reference copies.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Janet I. Cord".

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**PATENTSTYRET**  
Styret for det industrielle rettsvern



**NORSK GRANSKINGSRAPPORT**  
**NORWEGIAN SEARCH REPORT**

Patentsøknad nr.  
Patent application no.

2000 5428

Kategori/ Category*	Anførte publikasjoner: Cited documents:	Relevant mot krav Relevant to claim(s)
	<b>Jaeger et al., (april 2000a9, Extremophiles nr.4 : 155-122</b>	
Y	<b>Sobek H. et al., 1996. FEBS Letters 338:1-4</b>	
Y	<b>Schmidt M. et al., 1996. Biochemica No.2: 13-15.</b>	
Y	<b>Sobek H. et al., Conference papers Biotechnol. Appl. Cold adapted Organisms. Vol 75; Issue 85</b>	
Y	<b>WO 9720922</b> (Hele dokumentet)	
Y	<b>WO 9725416</b> (Hele dokumentet)	
Y	<b>Mol et al., 1995. Cell 80: 869-878.</b>	
<b>*Dokumentkategori:</b> X: særlig relevant alene Y: særlig relevant dersom det kombineres med annet dokument i samme kategori A: bakgrunnsteknikk D: anført i beskrivelsen E: dokument med tidligere prioritet (PL § 2.2.3) &: publikasjon i samme patentfamilie		<b>*Category of cited document:</b> X: particularly relevant if taken alone Y: particularly relevant if combined with another document of the same category A: technological background D: document cited in the application E: earlier patent document, but published on, or after the filing date &: member of the same family

Rapport utferdiget/date of report: 2000.12.22 av/by Kari H. Simonsen